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| Title | Family Law: Domestic Partnership Dissolution, Legal Separation and Annulment (adopt new Cal. Rules of Court, rule 5.28, amend rule 5.102; adopt forms FL-103 and FL-123; revise forms FL-110, FL-115, FL-117, FL-145, FL-150, FL-165, FL-170, FL-180, FL-190, FL-310, FL-311, FL-341, FL 341(B), FL-341(C), FL-341(D), FL-341(E), FL-343, FL-344, FL-345, FL-435, and FL-450) |
| Summary | Assembly Bill 205, the California Domestic Partner Rights and Responsibilities Act of 2003, modifies the procedure for terminating domestic partnerships. The proposed new and revised forms would allow domestic partners to obtain a dissolution, a legal separation, or an annulment under the new statute. |
| Source | Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-Chairs |
| Staff | Bonnie Hough, 415-865-7668, bonnie.hough@jud.ca.gov Kimberley Milligan, 415-865-8815, kim.milligan@jud.ca.gov |
| Discussion | <p>AB 205, the California Domestic Partner Rights and Responsibilities Act of 2003, contains many provisions designed to provide domestic partners with the same rights and responsibilities as spouses.</p> <p>Specifically, new Family Code section 299(d) provides that “the dissolution of a domestic partnership, nullity of a domestic partnership, and legal separation of partners in a domestic partnership shall follow the same procedures, and the partners shall possess the same rights, protections, and benefits, and be subject to the same responsibilities, obligations, and duties, as apply to the dissolution of marriage, nullity of marriage, and legal separation of spouses in a marriage...”.</p> <p>The forms required for dissolution, legal separation, and annulment have been reviewed to determine whether they are gender neutral and what revisions would be required to allow their use for termination of a domestic partnership. Most family law forms do not need to be revised, since they use the gender-neutral terms “petitioner” and “respondent” rather than “husband” and “wife” or “mother” and “father.” Those that are not gender neutral would be modified accordingly. All forms that refer to “spousal support” would be modified to refer to “partner or spousal support.”</p> <p>Custody and visitation forms FL-311, FL-341, FL-341(B), FL-341(C),</p> |

FL-341(D) and FL-341(E) would be revised to refer to “petitioner” and “respondent” rather than “mother” and “father.”

The committee recommends that the same forms be used for dissolutions, legal separations, and annulments of domestic partnerships for dissolutions, legal separations and annulments of marriages with two exceptions: specific *Petition–Domestic Partnership (Family Law)* (FL-103) and *Response–Domestic Partnership (Family Law)* (FL-104) forms should be adopted because of certain procedural differences between a divorce of married persons and a divorce of domestic partners.

These procedural differences concern residency of parties and voluntary declarations of paternity. Specifically, Family Code 299(d) provides that “proceedings for dissolution, nullity, or legal separation of a domestic partnership registered in this state may be filed in the superior courts of this state even if neither domestic partner is a resident of, or maintains a domicile in, the state at the time the proceedings are filed.” Therefore, the questions regarding residency of the parties are not required. Additionally, voluntary declarations of paternity will not be used for parents of the same gender; thus, questions regarding those declarations have been eliminated.

The committee followed the direction of section 15 of AB 205 that “[t]his act shall be construed liberally in order to secure to eligible couples who register as domestic partners the full range of legal rights, protections and benefits, as well as all of the responsibilities, obligations, and duties to the other, to their children, to third parties and to the state, as the laws of California extend to and impose upon spouses.” All procedural protections, such as the requirement to disclose all assets, debts, income, expenses and business opportunities to the other spouse, which is required by Family Code section 2100 et seq., are therefore included.

Family Code section 299(a) sets out a procedure for an administrative termination of a domestic partnership with the Secretary of State if the parties meet the requirements of that section. Those statutory requirements parallel the restrictions for summary dissolution as set out in Family Code section 2400. Thus, since forms for summary dissolution (FL-800 through FL-830) will not be used in cases involving domestic partners, they have not been revised.

Certain additional technical changes to the forms are suggested including a reference to the new Service Members Civil Relief Act of 2003 in place of the Soldiers and Sailors Relief Act of 1940.

Rule 5.102 would be revised to reflect the fact that domestic partners will be able to file for dissolution, legal separation or annulment of their domestic partnership and indicate that the parties to those proceedings are the domestic partners themselves.

New rule 5.28(a) is proposed to indicate that other than the initial petition and response, the same forms are to be used for dissolutions, legal separations, and annulments of domestic partnerships as are to be used for dissolutions, legal separations, and annulments of marriages.

While all forms used in dissolution, legal separation and annulment have been reviewed, governmental child support and simplified support modification forms are not proposed for change at this time as they slated for more significant revisions in January 2006 as part of the plain language project. Any necessary changes to make those forms gender neutral will be proposed at that time.

Pending revision of all family law forms and rules, 5.28(b) is proposed to make it clear that any family law rules or forms that refer to or use the term “spouse,” “husband,” “wife,” “father,” “mother,” “marriage,” or “marital status,” should be considered to include “domestic partner,” “parent” or “domestic partnership” as applicable.

The text of the proposed new and amended rules is attached at page 4.

Copies of the proposed new and revised forms are attached at pages 5–48.

Attachments

Rule 5.28 of the California Rules of Court would be adopted, and rule 5.102 would be amended, effective January 1, 2005, to read:

Rule 5.28 Domestic partnerships

(a) [Procedures for obtaining a dissolution, a legal separation or an annulment of a domestic partnership]

- (1) Form FL-103, *Petition—Domestic Partnership (Family Law)* must be filed to commence an action for dissolution, legal separation, or annulment of a domestic partnership. Form FL-123, *Response—Domestic Partnership (Family Law)* must be filed in response to this petition.
- (2) All other forms and procedures used for the dissolution, legal separation or annulment of a domestic partnership are the same as those used for the dissolution, legal separation or annulment of a marriage, except that parties who qualify for a “Notice of Termination of Domestic Partnership” under Family Code section 299 must follow that procedure rather than file a summary dissolution proceeding with the superior court.

(b) [Terminology of rules and forms]

For the purposes of family law rules and forms, the terms “spouse,” “husband,” or “wife” also include “domestic partner.” The terms “father” and “mother” also include “parent.” The terms “marriage” and “marital status” include “domestic partnership” and “domestic partnership status” respectively.

Rule 5.102 Parties to proceeding

- (a) Except as provided in ~~(b)~~ (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of marriage are the husband and wife.
- (b) Except as provided in (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of domestic partnership are the domestic partners.
- ~~(b)~~ (c) In a nullity proceeding commenced by a person specified in Family Code section 2211, other than a proceeding commenced by or on behalf of the husband or wife or by one of the domestic partners, the person initiating the proceeding is a party and the caption on all papers must be suitably modified to reflect that fact.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 10</h1> <h1 style="text-align: center;">3.30.04 xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| DOMESTIC PARTNERSHIP OF PETITIONER: RESPONDENT: | |
| PETITION FOR <input type="checkbox"/> Dissolution of Domestic Partnership <input type="checkbox"/> Legal Separation of Domestic Partnership <input type="checkbox"/> Nullity of Domestic Partnership | CASE NUMBER: <input type="checkbox"/> AMENDED |

1. Statistical facts

- a. Date of registration of domestic partnership:
- b. Date of separation:
- c. Period between registration of domestic partnership and separation (*specify*): Years: _____ Months: _____
- d. ☐ Our domestic partnership was established in another state (*specify state*): _____

2. Declaration regarding minor children (*include children of this relationship born prior to or during this domestic partnership or adopted during this domestic partnership*):

- a. ☐ There are no minor children.
- b. ☐ The minor children are:
- | <u>Child's name</u> | <u>Birth date</u> | <u>Age</u> | <u>Sex</u> |
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☐ Continued on Attachment 2b.

- c. If there are minor children of the petitioner and respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

3. ☐ The petitioner requests confirmation as separate property assets and debts the items listed

☐ in Attachment 3 ☐ below:

Item

Confirm to

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

| | |
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| DOMESTIC PARTNERSHIP OF (Last name, first name of each party): | CASE NUMBER: |
|--|----------------------|

4. Declaration regarding community and quasi-community assets and debts as currently known

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
b. ☐ All such assets and debts have been disposed of by written agreement.
c. ☐ All such assets and debts are listed ☐ in Attachment 4c ☐ below (*specify*):

5. The petitioner requests

- | | |
|--|--|
| <p>a. <input type="checkbox"/> dissolution of the domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).) (2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>b. <input type="checkbox"/> legal separation of the domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).) (2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>c. <input type="checkbox"/> nullity of void domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> incest. (Fam. Code, § 2200.) (2) <input type="checkbox"/> bigamy. (Fam. Code, § 2201.)</p> | <p>d. <input type="checkbox"/> nullity of voidable domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> petitioner's age at time of registration of domestic partnership. (Fam. Code, § 2210(b).) (2) <input type="checkbox"/> prior existing marriage or domestic partnership (Fam. Code, § 2210(b).) (3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).) (4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).) (5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).) (6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</p> |
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6. The petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 6c | | | | |
| d. Partner support payable to | <input type="checkbox"/> | <input type="checkbox"/> | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. <input type="checkbox"/> Terminate court's jurisdiction (ability) to award spousal support to respondent. | | | | |
| g. <input type="checkbox"/> Property rights be determined. | | | | |
| h. <input type="checkbox"/> Petitioner's former name be restored (<i>specify</i>): | | | | |
| i. <input type="checkbox"/> Other (<i>specify</i>): | | | | |

☐ Continued on Attachment 6i.

7. If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership, the court will make orders for the support of the children. An earnings assignment may be issued without further notice.

8. I have read the restraining orders on the back of the summons, and I understand that they apply to me when this petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: Dissolution or legal separation may automatically cancel the rights of a domestic partner under the other domestic partner's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner as beneficiary of the other domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your domestic partner or a court order (see Fam. Code, §§ 231–235).

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 9</h1> <h1 style="margin: 0;">4.01.04 xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | CASE NUMBER: |
| DOMESTIC PARTNERSHIP OF PETITIONER: RESPONDENT: | |
| RESPONSE <input type="checkbox"/> and REQUEST FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution of Domestic Partnership <input type="checkbox"/> Legal Separation of Domestic Partnership <input type="checkbox"/> Nullity of Domestic Partnership | |

1. **Statistical facts**
 - a. Date of registration of domestic partnership:
 - b. Date of separation:
 - c. Period between registration of domestic partnership and separation (*specify*): Years: _____ Months: _____
 - d. ☐ Our domestic partnership was established in another state (*specify state*): _____
2. **Declaration regarding minor children** (*include children of this relationship born prior to or during this domestic partnership or adopted during this domestic partnership*):
 - a. ☐ There are no minor children.
 - b. ☐ The minor children are:

| <u>Child's name</u> | <u>Birth date</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|-------------------|------------|------------|
| | | | |

☐ Continued on Attachment 2b.

 - c. If there are minor children of the petitioner and the respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
3. ☐ **The respondent requests** confirmation as separate property assets and debts the items listed

| | |
|--|-------------------|
| <input type="checkbox"/> in Attachment 3 <input type="checkbox"/> below: | |
| <u>Item</u> | <u>Confirm to</u> |

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

| | |
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| DOMESTIC PARTNERSHIP OF <i>(Last name, first name of each party):</i> _____ | CASE NUMBER: _____ |
|--|---------------------------|

4. Declaration regarding community and quasi-community assets and debts as currently known

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
b. ☐ All such assets and debts have been disposed of by written agreement.
c. ☐ All such assets and debts are listed ☐ in Attachment 4c ☐ below (*specify*):

5. ☐ **The respondent contends** that there is a reasonable possibility of reconciliation.

6. ☐ **The respondent denies** the grounds set forth in item 5 of the petition.

7. The respondent requests

- | | |
|--|---|
| <p>a. <input type="checkbox"/> dissolution of the domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>b. <input type="checkbox"/> Legal separation of the domestic partners based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>c. <input type="checkbox"/> Nullity of void domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> incest. (Fam. Code, § 2200.)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> bigamy. (Fam. Code, § 2201.)</p> | <p>d. <input type="checkbox"/> Nullity of voidable domestic partnership based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> respondent's age at time of domestic partnership. (Fam. Code, § 2210(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> prior existing domestic partnership. (Fam. Code, § 2210(b).)</p> <p style="margin-left: 20px;">(3) <input type="checkbox"/> unsound mind. Fam. Code, § 2210(c)</p> <p style="margin-left: 20px;">(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</p> <p style="margin-left: 20px;">(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</p> <p style="margin-left: 20px;">(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</p> |
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8. The respondent requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- | | Petitioner | Respondent | Joint | Other |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> as requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 6c | | | | |
| d. Partner support payable to | <input type="checkbox"/> | <input type="checkbox"/> | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. <input type="checkbox"/> Terminate court's jurisdiction (ability) to award spousal support to the petitioner. | | | | |
| g. <input type="checkbox"/> Property rights be determined. | | | | |
| h. <input type="checkbox"/> Respondent's former name be restored (<i>specify</i>): | | | | |
| i. <input type="checkbox"/> Other (<i>specify</i>): | | | | |

☐ Continued on Attachment 8i.

9. If there are minor children who were born to or adopted by the petitioner and the respondent before or during this domestic partnership, the court will make orders for the support of the children. An earnings assignment may be issued without further notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF RESPONDENT)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR RESPONDENT)

**The original response must be filed in the court
with proof of service of a copy on Petitioner.**

SUMMONS (Family Law)

CITACION JUDICIAL (Derecho de Familia)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT 6
03.29.04 xyz

You are being sued. A usted lo están demandando.

Petitioner's name is:

El nombre del demandante es:

CASE NUMBER (Número del Caso):

You have **30 calendar days** after this *Summons* and *Petition* are served on you to file a *Response* (form FL-120) at the court and have a copy served on the petitioner. A letter or phone call will not protect you.

If you do not file your *Response* on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.

If you want legal advice, contact a lawyer immediately.

Usted tiene 30 días calendarios después de recibir oficialmente esta citación judicial y petición, para completar y presentar su formulario de Respuesta (Response form FL-120) ante la corte. Una carta o una llamada telefónica no le ofrecerá protección.

Si usted no presenta su Respuesta a tiempo, la corte puede expedir órdenes que afecten su matrimonio, su propiedad y que ordenen que usted pague mantención, honorarios de abogado y las costas. Si no puede pagar las costas por la presentación de la demanda, pida al actuario de la corte que le dé un formulario de exoneración de las mismas (Waiver of Court Fees and Costs).

Si desea obtener consejo legal, comuníquese de inmediato con un abogado.

NOTICE: The restraining orders on the back are effective against both husband and wife or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO: Las prohibiciones judiciales que aparecen al reverso de esta citación son efectivas para ambos cónyuges, tanto el esposo como la esposa, hasta que la petición sea rechazada, se dicte una decisión final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumplir en cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.

1. The name and address of the court is (*El nombre y dirección de la corte es*):

2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, is (*El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es*):

Date (*Fecha*):

Clerk (*Actuario*), by _____, Deputy

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual **or**
b. ☐ on behalf of respondent who is a
(1) ☐ minor
(2) ☐ ward or conservatee
(3) ☐ other (*specify*):

(Read the reverse for important information.)
(*Lea el reverso para obtener información de importancia.*)

WARNING—IMPORTANT INFORMATION

WARNING: California law provides that, for purposes of division of property upon dissolution of marriage or domestic partnership or legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from

1. removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability held for the benefit of the parties and their minor child or children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect, or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or pay court costs.

ADVERTENCIA—INFORMACION IMPORTANTE EN ESPAÑOL

ADVERTENCIA: Para los efectos de la división de bienes al momento de una separación legal o de la disolución de un matrimonio, las leyes de California disponen que se presuman como bienes de la sociedad conyugal aquéllos adquiridos en forma conjunta por las partes durante el matrimonio. Si cualquiera de las partes de esta acción muriese antes de que se dividan los bienes en tenencia conjunta de la sociedad conyugal, prevalecerá el lenguaje relativo a la tenencia de los derechos de propiedad contenido en la escritura—como, por ejemplo, copropiedad con derechos de sucesión (joint tenancy), tenencia en común (tenants in common) o bienes de la sociedad conyugal (community property)—y no la presunción de que los bienes son de la sociedad conyugal. Usted debe consultar a su abogado o abogada si desea que la presunción de que los bienes son de la sociedad conyugal se especifique en el título de propiedad inscrito.

PROHIBICIONES JUDICIALES ESTANDARES—DERECHO DE FAMILIA

A usted y a su cónyuge se les prohíbe

1. que saquen del estado al hijo o hijos menores de las partes, si los hay, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte; y
2. que cobren en efectivo, usen como colateral para préstamos, cancelen, transfieran, discontinúen o cambien los beneficiarios de, cualquier póliza de seguro u otras coberturas de seguro, inclusive los de vida, salud, automóvil e incapacidad mantenido para el beneficio de las partes y su hijo o hijos menores; y
3. que transfieran, graven, hipotequen, escondan o de cualquier otra manera enajenen cualquier propiedad mueble o inmueble, ya sean bienes de la sociedad conyugal, quasi conyugales o bienes propios de los cónyuges, sin el consentimiento por escrito de la otra parte o sin una orden de la corte, excepto en el curso normal de los negocios o para atender a las necesidades de la vida; y
4. crear una transferencia no incluida en el procedimiento sucesorio o modificar una transferencia no incluida en el procedimiento sucesorio de manera tal que afecte la disposición de los bienes sujetos a la transferencia, sin el consentimiento por escrito de la otra parte o una orden del tribunal. Antes de que la revocación de una transferencia no incluida en el procedimiento sucesorio pueda entrar en vigor, o de que el derecho de supervivencia a los bienes se pueda eliminar, se debe presentar un aviso del cambio al tribunal, y dicho aviso se debe entregar a la otra parte.

Ustedes deben notificarse entre sí sobre cualquier gasto extraordinario propuesto, por lo menos con cinco días de antelación a la fecha en que se van a incurrir dichos gastos extraordinarios y responder ante la corte por todo gasto extraordinario hecho después de que estas prohibiciones judiciales entren en vigor. Sin embargo, nada de lo contenido en las prohibiciones judiciales le impedirá que use bienes de la sociedad conyugal para pagar honorarios razonables de abogados con el fin de obtener representación legal durante el proceso.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO. (<i>Optional</i>): FAX NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): | FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 10</h1> <h1 style="text-align: center;">3/29/04 xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITIONER: RESPONDENT: | |
| PROOF OF SERVICE OF SUMMONS | CASE NUMBER: |

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a. ☐ Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
- or—
- b. ☒ Family Law—Domestic Partnership: *Petition—Domestic Partnership* (form FL-103), *Summons* (form FL-110), and blank *Response—Domestic Partnership* (form FL-123)
- or—
- c. ☐ Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- or—
- d. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and
- e. ☐ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)
- (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140)
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142)
- (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150)
- (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (6) ☐ Completed and blank *Property Declaration* (form FL-160)
- (7) ☐ *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
- (8) ☐ Other (*specify*):
2. Address where respondent was served:
3. I served the respondent by (*check proper box*):
- a. ☐ **personal service**, by personally delivering the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____
- b. ☐ **substituted service**, by leaving the copies with or in the presence of (*name*): _____ who is (*title or relationship to respondent*): _____
- (1) ☐ (**business**) a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2) ☐ (**home**) a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.

| | |
|-------------|--------------|
| PETITIONER: | CASE NUMBER: |
| RESPONDENT: | |

(continued)

3. b. on (date): _____ at (time): _____
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____
- A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.
- c. ☐ **mail and acknowledgment service**, by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): _____ from (city): _____
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt (Family Law)* (form FL-117) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt (Family Law)* (form FL-117).) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested). (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Proc., § 415.40.)
- d. ☐ **other** (specify code section): _____
- ☐ An additional page is attached.
4. The "NOTICE TO THE PERSON SERVED" on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):
- a. ☐ as an individual or
- b. ☐ on behalf of respondent who is a
- (1) ☐ minor. (Code Civ. Proc., § 416.60.)
- (2) ☐ ward or conservatee. (Code Civ. Proc., § 416.70.)
- (3) ☐ other (specify): _____

5. **Person who served papers**

Name:

Address:

Telephone number:

I am

- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server:
- (1) ☐ Employee or independent contractor
- (2) Registration no.: _____
- (3) County: _____

d. **The fee** for service was: \$ _____

6. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

—or—

7. ☐ **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

| | | |
|--|---|---|
| <hr/> (NAME OF PERSON WHO SERVED PAPERS) |  | <hr/> (SIGNATURE OF PERSON WHO SERVED PAPERS) |
|--|---|---|

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 15</h1> <h1 style="text-align: center;">3/30/04xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITIONER: RESPONDENT: OTHER: | |
| NOTICE AND ACKNOWLEDGMENT OF RECEIPT (Family Law) | CASE NUMBER: |

To (name of individual being served): _____

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. Acknowledgment of receipt is NOT an answer to the action. If you do not agree with what is being requested, you must submit a completed response form to the court.

Date of mailing: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT (To be completed by sender before mailing)

I agree I received the following:

- a. ☐ Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
- b. ☐ Family Law—Domestic Partnership: *Petition—Domestic Partnership* (form FL-103), *Summons* (form FL-110), and blank *Response—Domestic Partnership* (form FL-123)
- c. ☐ Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- d. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- e. ☐ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA) (form FL-105) (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140) (6) ☐ *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142) (7) ☐ Other (specify):
- (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150)

(To be completed by recipient)

Date this acknowledgment is signed: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

Page 1 of 1

| | |
|--|----------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and address</i>): | TELEPHONE NO.: |
| | |
| ATTORNEY FOR (<i>Name</i>): | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF | |
| SHORT TITLE OF CASE: | |
| FORM INTERROGATORIES | |
| Asking Party: Answering Party: Set No.: | CASE NUMBER: |

Sec. 1. Instructions to Both Parties

The interrogatories on page 2 of this form are intended to provide for the exchange of relevant information without unreasonable expense to the answering party. They do not change existing law relating to interrogatories, nor do they affect the answering party's right to assert any privilege or make any objection. **Privileges must be asserted.**

Sec. 2. Definitions

Words in **boldface** in these interrogatories are defined as follows:

- (a) **Person** includes a natural person; a partnership; any kind of business, legal, or public entity; and its agents or employees.
- (b) **Document** means all written, recorded, or graphic materials, however stored, produced, or reproduced.
- (c) **Asset** or **property** includes any interest in real estate or personal property. It includes any interest in a pension, profit-sharing, or retirement plan.
- (d) **Debt** means any obligation, including debts paid since the date of separation.
- (e) **Support** means any benefit or economic contribution to the living expenses of another person, including gifts.
- (f) If asked to **identify a person**, give the person's name, last known residence and business address, telephone numbers, and company affiliation at the date of the transaction referred to.
- (g) If asked to **identify a document**, attach a copy of the document unless you explain why not. If you do not attach the copy, describe the document, including its date and nature, and give the name, address, telephone number, and occupation of the person who has the document.

Sec. 3. Instructions to the Asking Party

Check the box next to each interrogatory you want the answering party to answer.

Sec. 4. Instructions to the Answering Party

You must answer these interrogatories under oath within 30 days, in accordance with Code of Civil Procedure section 2030.

You must furnish all information you have or can reasonably find out, including all information (not privileged) from your attorneys or under your control. If you don't know, say so.

If an interrogatory is answered by referring to a document, the document must be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer can be found.

If a document to be attached to the response may also be attached to the *Schedule of Assets and Debts* (form FL-142), the document should be attached only to the response, and the form should refer to the response.

If an interrogatory cannot be answered completely, answer as much as you can, state the reason you cannot answer the rest, and state any information you have about the unanswered portion.

Sec. 5. Oath

Your answers to these interrogatories must be under oath, dated, and signed. Use the following form **at the end of your answers**:

"I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct."

(DATE)_____
(SIGNATURE)

Page 1 of 2

- ☐ 1. **Personal History.** State your full name, current residence address and work address, social security number, any other names you have used, and the dates between which you used each name.
- ☐ 2. **Agreements.** Are there any agreements between and your spouse or domestic partner made before or during your marriage or domestic partnership or after your separation that affect the disposition of **assets, debts, or support** in this proceeding? If your answer is yes, for each agreement, state the date made and whether it was written or oral, and attach a copy of the agreement or describe its contents.
- ☐ 3. **Legal Actions.** Are you a party or do you anticipate being a party to any legal or administrative proceeding other than this action? If your answer is yes, state your role and the name, jurisdiction, case number, and a brief description of each proceeding.
- ☐ 4. **Persons Sharing Residence.** State the name, age, and relationship to you of each **person** at your present address.
- ☐ 5. **Support Provided Others.** State the name, age, address, and relationship to you of each **person** for whom you have provided **support** during the past 12 months and the amount provided per month for each.
- ☐ 6. **Support Received for Others.** State the name, age, address, and relationship to you of each **person** for whom you have received **support** during the past 12 months and the amount received per month for each.
- ☐ 7. **Current Income.** List all income you received during the past 12 months, its source, the basis for its computation, and the total amount received from each. Attach your last three paycheck stubs.
- ☐ 8. **Other Income.** During the past three years have you received cash or other property from any source not identified in 7? If so, list the source, the date, and the nature and value of the property.
- ☐ 9. **Tax Returns.** Attach copies of all tax returns and schedules filed by or for you in any jurisdiction for the past three calendar years.
- ☐ 10. **Schedule of Assets and Debts.** Complete the *Schedule of Assets and Debts* (form FL-142) served with these interrogatories.
- ☐ 11. **Separate Property Contentions.** State the facts that support your contention that an asset or debt is separate property.
- ☐ 12. **Property Valuations.** Have you had written appraisals or offers to purchase during the past 12 months on any of the assets listed on your completed *Schedule of Assets and Debts*. If your answer is yes, **identify the document**.
- ☐ 13. **Property Held by Others.** Is there any **property** held by any third party in which you have any interest or over which you have any control? If your answer is yes, indicate whether the property is shown on the *Schedule of Assets and Debts* completed by you. If it is not, describe and identify each such asset and state its present value and the basis for your valuation, and **identify the person** holding the asset.
- ☐ 14. **Retirement and Other Benefits.** Do you have an interest in any disability, retirement, profit sharing, or deferred compensation plan? If your answer is yes, **identify** each plan and provide the name, address, and telephone number of the administrator and custodian of records.
- ☐ 15. **Claims of Reimbursement.** Do you claim the legal right to be reimbursed for any expenditures of your separate or community property? If your answer is yes, state all supporting facts.
- ☐ 16. **Credits.** Do you claim reimbursement credits for payments of community debts since the date of separation? If your answer is yes, **identify** the source of payment, the creditor, the date paid, and the amount paid. State whether you have added to the debt since the separation.
- ☐ 17. **Insurance.** **Identify** each health, life, automobile, and disability insurance policy or plan that you now own or that covers you, your children, or your assets. State the policy type, policy number, and name of company. **Identify** the agent and give the address.
- ☐ 18. **Health.** Is there any physical or emotional condition that limits your ability to work? If your answer is yes, state each fact on which you base your answer.
- ☐ 19. **Children's Needs.** Do you contend your children have any special needs? If so, identify the child with the need, the reason for the need, its cost, and its expected duration.
- ☐ 20. **Attorney Fees.** State the total amount of attorney fees and costs incurred by you in this proceeding, the amount paid, the source of money paid, and describe the billing arrangements.
- ☐ 21. **Gifts.** List any gifts you have made without the consent of your spouse or domestic partner in the past 24 months, their value, and the recipients.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT: | FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 14</div> <div style="font-size: 24pt; font-weight: bold;">4/02/04 xyz</div> |
| INCOME AND EXPENSE DECLARATION | CASE NUMBER: |

1. Employment

Fill out the information below on your current job or, if you're unemployed, your most recent job.

- Attach one
copy of pay
stubs for
last two
months here
(cross out
social
security
numbers)

a. Employer:
 b. Employer's address:
 c. Employer's phone number:
 d. Your occupation:
 e. Date job started:
 f. If unemployed, date job ended:
 g. I work about _____ hours per week.
 h. I get paid \$ _____ gross (before taxes) ☐ per month ☐ per week ☐ per hour.

If unemployed now, list the hours you worked and what you got paid on your last job.

If you have more than one job, attach an 8½-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.

2. Age and education

- a. My age is (specify): _____
- b. I have completed high school or the equivalent: ☐ Yes ☐ No If no, highest grade completed (specify): _____
- c. Number of years of college completed (specify): _____ ☐ Degree(s) obtained (specify): _____
- d. Number of years of graduate school completed (specify): _____ ☐ Degree(s) obtained (specify): _____
- e. I have: ☐ professional/occupational license(s) (specify): _____
 ☐ vocational training (specify): _____

3. Tax information

- a. ☐ I last filed taxes in _____ (year): _____
- b. My tax filing status is
☐ single ☐ head of household ☐ married filing separately
☐ married filing jointly with (specify name): _____
- c. I file state tax returns in: ☐ California ☐ other (specify): _____
- d. I claim the following number of exemptions (including myself) on my taxes (specify): _____

- 4. Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case is \$ _____
 This estimate is based on (explain): _____

If you need more space to answer any questions on this form, attach an 8½-by-11-inch sheet of paper and write the question number before your answer. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: _____

| | |
|--|--------------|
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT: | CASE NUMBER: |
|--|--------------|

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. *(Cross out your social security number on the pay stub or tax return.)*

5. **Income** *(list all the income your received in each category in the last 12 months; for average monthly, divide by 12)*

| | Last month | Average monthly |
|---|------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ _____ | _____ |
| b. Overtime (gross, before taxes) | \$ _____ | _____ |
| c. Commissions or bonuses. | \$ _____ | _____ |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ _____ | _____ |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage. | \$ _____ | _____ |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ _____ | _____ |
| g. Pension/retirement fund payments. | \$ _____ | _____ |
| h. Social security retirement (not SSI) | \$ _____ | _____ |
| i. Disability <input type="checkbox"/> social security (not SSI) <input type="checkbox"/> state disability (SDI) <input type="checkbox"/> private insurance | \$ _____ | _____ |
| j. Unemployment compensation | \$ _____ | _____ |
| k. Workers' compensation | \$ _____ | _____ |
| l. Other (military BAQ, royalty payments, etc.) <i>(specify):</i> | \$ _____ | _____ |

6. **Investment income**

| | | |
|--------------------------------------|----------|-------|
| a. Dividends/interest. | \$ _____ | _____ |
| b. Rental property income | \$ _____ | _____ |
| c. Trust income. | \$ _____ | _____ |
| d. Other <i>(specify):</i> | \$ _____ | _____ |

Attach a schedule showing gross receipts less cash expenses for each piece of property.

7. **My income from self-employment after business expenses for each business.** \$ _____

I am the ☐ owner/sole proprietor ☐ business partner ☐ other *(specify):*

Number of years in this business *(specify):*

Name of business *(specify):*

Type of business *(specify):*

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Cross off your social security number. If you have more than one business, provide the information above for all your businesses.

8. **Additional Income**

☐ I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months *(specify source and amount):*

9. **Change in income**

☐ My financial situation has changed significantly over the last 12 months because *(specify):*

10. **Deductions**

| | Last month |
|--|------------|
| a. Required union dues | \$ _____ |
| b. Required retirement payments (not social security, FICA, 401k, or IRA). | \$ _____ |
| c. Medical, hospital, dental, and other health insurance premiums <i>(total monthly amount)</i> | \$ _____ |
| d. Child support I pay for my other children from another relationship. | \$ _____ |
| e. Spousal support I pay by court order from a different marriage | \$ _____ |
| f. Partner support I pay by court order from a different domestic partnership | \$ _____ |
| g. Necessary job-related expenses not reimbursed by my employer <i>(attach explanation labeled "Question 10g")</i> | \$ _____ |

11. **Assets**

| | Total |
|---|----------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ _____ |
| b. Stocks, bonds, and other assets you can easily sell | \$ _____ |
| c. All other property, <input type="checkbox"/> real or <input type="checkbox"/> personal <i>(estimate fair market value minus the debts you owe)</i> | \$ _____ |

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| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT: | CASE NUMBER: |
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12. The following people live with me:

| Name | Age | How is the person related to you? | Gross monthly income | Pays some of the household expenses? |
|------|-----|-----------------------------------|----------------------|--|
| a. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| d. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| e. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

13. Average monthly expenses ☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

| | |
|---|--|
| <p>a. My home:</p> <p>(1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage. \$ _____</p> <p>(2) If mortgage, include:</p> <p style="padding-left: 20px;">Average principal \$ _____</p> <p style="padding-left: 20px;">Average interest \$ _____</p> <p>(3) Real property taxes \$ _____</p> <p>(4) Homeowner's or renter's insurance (if not included above) \$ _____</p> <p>(5) Maintenance and repair \$ _____</p> <p>b. Health-care costs not paid by insurance. \$ _____</p> <p>c. Child care \$ _____</p> <p>d. Groceries and household supplies. \$ _____</p> <p>e. Eating out. \$ _____</p> <p>f. Utilities (gas, electric, water, trash) \$ _____</p> <p>g. Telephone/cell phone/e-mail \$ _____</p> | <p>h. Laundry and cleaning \$ _____</p> <p>i. Clothes \$ _____</p> <p>j. Education (<i>specify</i>): \$ _____</p> <p>k. Entertainment, gifts, and vacation. \$ _____</p> <p>l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) \$ _____</p> <p>m. Insurance (life, accident, etc.; do not include auto, home, or health insurance). . . \$ _____</p> <p>n. Savings and investments. \$ _____</p> <p>o. Charitable contributions. \$ _____</p> <p>p. Monthly payments listed in item 14 (<i>itemize below in 14 and insert total here</i>). . \$ _____</p> <p>q. Other (<i>specify</i>): \$ _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>r. TOTAL EXPENSES (a–q) (do not include amounts in a(2)) \$ _____</p> </div> <p>s. Amount of expenses paid by others \$ _____</p> |
|---|--|

14. Installment payments and debts not listed above

| Paid to | For | Amount | Balance | Date of last payment |
|---------|-----|--------|---------|----------------------|
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |

15. Attorney fees (*This is required if either party is requesting attorney fees.*)

- a. To date I have paid my attorney for fees and costs: \$
- b. The source of this money was (*specify*):
- c. I owe to date the following fees and costs over the amount paid: \$
- d. My attorney's hourly rate is \$

I confirm this information and fee arrangement.

Date:

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

| | |
|--|--------------|
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/CLAIMANT: | CASE NUMBER: |
|--|--------------|

CHILD SUPPORT INFORMATION

Fill out this page only if your case involves child support.

16. Number of children

- a. I have (*specify number*): _____ children under the age of 18 with the other parent in this case.
- b. The children spend _____ % of their time with me and _____ % of their time with the other parent.
(If you're not sure about percentage, or it has not been agreed upon, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☐ I do ☐ I do not have health insurance for the children available at work.
- b. Name of insurance company: _____
- c. Address of insurance company: _____
- d. The monthly cost for **children's** health insurance is or would be \$ _____
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

Amount per month

- a. Child care so I can work or get job training. \$ _____
- b. Children's health care not covered by insurance \$ _____
- c. Travel expenses for visitation. \$ _____
- d. Children's educational or other special needs (*specify below*): \$ _____

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

Amount per month

For how many months?

- a. Extraordinary health expenses not included in 18b. \$ _____
- b. Major losses not covered by insurance (examples: fire, theft, other uninsured loss) \$ _____
- c. (1) Expenses for my minor children from other relationships who live with me \$ _____
 Names and ages of those children: _____

(2) Child support I receive for those children. \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because (*explain*):

20. Other information I want the court to know concerning support in my case (*specify*):

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 4</h1> <h1 style="margin: 0;">3.24.04 xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | CASE NUMBER: |
| PETITIONER: RESPONDENT: | |
| REQUEST TO ENTER DEFAULT | |

1. **To the clerk:** Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) ☐ is attached ☐ is not attached
 A completed *Property Declaration* (form FL-160) ☐ is attached ☐ is not attached
 because (check at least one of the following):
 - (a) ☐ there have been no changes since the previous filing.
 - (b) ☐ the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) ☐ there are no issues of child, spousal or partner support, or attorney fees and costs subject to determination by the court.
 - (d) ☐ the petition does not request money, property, costs, or attorney fees. (Fam. Code, § 2330.5.)
 - (e) ☐ there are no issues of division of community property.
 - (f) ☐ this is an action to establish parental relationship.

Date:

 (TYPE OR PRINT NAME)


 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)
3. Declaration

- a. ☐ No mailing is required because service was by publication and the address of the respondent remains unknown.
- b. ☐ A copy of this *Request to Enter Default* including any attachments and an envelope with sufficient postage was provided to the court clerk addressed as follows (address of the respondent's attorney or, if none, the respondent's last known address):

c. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

| |
|---|
| FOR COURT USE ONLY |
| <input type="checkbox"/> <i>Request to Enter Default</i> mailed to the respondent or the respondent's attorney on (date): <input type="checkbox"/> Default entered as requested on (date): <input type="checkbox"/> Default not entered. Reason: |
| Clerk, by _____, Deputy |

| | |
|--------------------|----------------------|
| CASE NAME: | CASE NUMBER: |
|--------------------|----------------------|

4. Memorandum of costs

- a. ☐ Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:
- | | | |
|--|-----------|--|
| (1) <input type="checkbox"/> Clerk's fees | \$ | |
| (2) <input type="checkbox"/> Process server's fees | \$ | |
| (3) <input type="checkbox"/> Other (<i>specify</i>): | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |
| TOTAL | \$ | |
- c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.
- d. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

| | | |
|----------------------|---|--------------------------|
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DECLARANT) |
|----------------------|---|--------------------------|

5. Declaration of nonmilitary status

- a. The respondent is not in the military service or in the military service of the United States as defined in section 511 of the Servicemembers Civil Relief Act of 2003, as amended (50 U.S.C. appen. § 501 et seq.), and not entitled to the benefits of such act.
- b. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

| | | |
|----------------------|---|--------------------------|
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DECLARANT) |
|----------------------|---|--------------------------|

| | |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 8</h1> <h1 style="text-align: center;">3.30.04 xyz</h1> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITIONER: RESPONDENT: | |
| DECLARATION FOR DEFAULT OR UNCONTESTED <input type="checkbox"/> DISSOLUTION or <input type="checkbox"/> LEGAL SEPARATION | CASE NUMBER: |

(NOTE: Items 1 through 16 apply to both dissolution and legal separation proceedings.)

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the ☐ Petition ☐ Response is true and correct.
4. **Default or uncontested** (Check a or b)
 - a. ☐ The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
 - b. ☐ The parties have agreed that the matter may proceed as an uncontested matter without notice, and the agreement is attached or is incorporated in the attached settlement agreement or stipulated judgment.
5. **Settlement agreement** (Check a or b)
 - a. ☒ The parties have entered into ☐ an agreement or ☐ a stipulated judgment regarding their property and their marriage or domestic partnership rights, including support, the original of which is or has been submitted to the court. I request that the court approve the agreement. **OR**
 - b. ☐ **There is no agreement or stipulated judgment**, and the following statements are true (check at least one, including item (2) if a community estate exists):
 - (1) ☐ There are no community or quasi-community assets or community debts to be disposed of by the court.
 - (2) ☐ The community and quasi-community assets and debts are listed on the attached **completed** current *Property Declaration* (form FL-160), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment (Family Law)* (form FL-180) is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
6. **Declaration of disclosure** (Check a, b, or c)
 - a. ☐ Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of Declaration of Disclosure* (form FL-141) and an *Income and Expense Declaration* (form FL-150).
 - b. ☐ This matter is proceeding by default. I am the petitioner in this action and have filed a proof of service of the preliminary *Declaration of Disclosure* (form FL-140) with the court. I hereby waive receipt of the final *Declaration of Disclosure* (form FL-140) from the respondent.
 - c. ☐ This matter is proceeding as an uncontested action. Service of the final *Declaration of Disclosure* (form FL-140) is mutually waived by both parties. A waiver provision executed by both parties under penalty of perjury is contained in the settlement agreement or proposed judgment, or other separate stipulation.
7. ☐ **Child custody** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
8. ☐ **Child visitation** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
9. **Spousal, partner, and family support.** If a support order or attorney fees are requested, submit a completed *Income and Expense Declaration* (form FL-150) unless a current form is on file. Include your best estimate of the other party's income. Check at least one of the following:
 - a. ☐ I knowingly give up forever any right to receive spousal or partner support.
 - b. ☐ I ask the court to reserve jurisdiction to award spousal or partner support in the future to (name): _____
 - c. ☐ Spousal support should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
 - d. ☐ Family support should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).

| | |
|--------------------------------|--------------|
| PETITIONER: RESPONDENT: | CASE NUMBER: |
|--------------------------------|--------------|

10. ☐ **Child support** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
11. a. I ☐ am receiving ☐ am not receiving ☐ intend to apply for public assistance for the child or children listed in the proposed order.
 b. To the best of my knowledge the other party ☐ is ☐ is not receiving public assistance.
12. ☐ The petitioner ☐ respondent is presently receiving public assistance, and all support should be made payable to the local child support agency at the address set forth in the proposed judgment. A representative of the local child support agency has signed the proposed judgment.
13. If there are minor children, check and complete item a *and* item b *or* c:
 a. My gross (before taxes) monthly income is: \$
 b. ☐ The estimated gross monthly income of the other party is: \$
 c. ☐ I have no knowledge of the estimated monthly income of the other party for the following reasons (*specify*):

 d. ☐ I request that this order be based on the ☐ petitioner's ☐ respondent's earning ability. The facts in support of my estimate of earning ability are (*specify*):
☐ Continued on Attachment 13d.
14. ☐ **Parentage** of the children of the petitioner and respondent born prior to their marriage or domestic partnership should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180). A declaration regarding parentage is attached.
15. ☐ **Attorney fees** should be ordered as set forth in the proposed *Judgment (Family Law)* (form FL-180).
16. ☐ The petitioner ☐ respondent requests restoration of his or her former name as set forth in the proposed *Judgment (Family Law)* (form FL-180).
17. There are irreconcilable differences that have led to the irremediable breakdown of the marriage or domestic partnership, and there is no possibility of saving the marriage or domestic partnership through counseling or other means.
18. This declaration may be reviewed by a commissioner sitting as a temporary judge, who may determine whether to grant this request or require my appearance under Family Code section 2336.

STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS—items 19 through 21

19. If this is a dissolution of marriage, the petitioner and/or the respondent has been a resident of this county for at least three months and of the state of California for at least six months continuously and immediately preceding the date of the filing of the petition for dissolution of marriage.
20. I ask that the court grant the request for a judgment for dissolution of marriage or domestic partnership based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* (form FL-180) submitted with this declaration.
21. ☐ This declaration is for the termination of **marital or domestic partner status only**. I ask the court to reserve jurisdiction over all issues whose determination is not requested in this declaration.

THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS

22. I ask that the court grant the request for a judgment for legal separation based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* (form FL-180) submitted with this declaration.

I understand that a judgment of legal separation does not terminate a marriage or domestic partnership and I am still married or a partner in a domestic partnership.

23. ☐ Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DECLARANT)

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) : TELEPHONE NO.: _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 8</div> <div style="font-size: 24pt; font-weight: bold;">3/15/04 xyz</div> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | CASE NUMBER: |
| MARRIAGE OF PETITIONER: RESPONDENT: | |
| <div style="text-align: center; font-weight: bold;">JUDGMENT</div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> DISSOLUTION <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY </div> <div style="margin-left: 20px;"> <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital or domestic partnership status <input type="checkbox"/> Judgment on reserved issues </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px;">Date marital or domestic partnership status ends:</div> <div style="border: 1px solid black; padding: 2px;"><input type="checkbox"/> AMENDED</div> </div> | CASE NUMBER: |

1. ☐ This judgment ☐ contains personal conduct restraining orders ☐ modifies existing restraining orders.
 The restraining orders are contained on page(s) _____ of the attachment. They expire on (date): _____

2. This proceeding was heard as follows: ☐ Default or uncontested ☐ By declaration under Family Code section 2336
☐ Contested
 - a. Date: _____ Dept.: _____ Room: _____
 - b. Judicial officer (name): _____ ☐ Temporary judge
 - c. ☐ Petitioner present in court ☐ Attorney present in court (name): _____
 - d. ☐ Respondent present in court ☐ Attorney present in court (name): _____
 - e. ☐ Claimant present in court (name): _____ ☐ Attorney present in court (name): _____
 - f. ☐ Other (specify name): _____

3. The court acquired jurisdiction of the respondent on (date): _____
 - a. ☐ The respondent was served with process.
 - b. ☐ The respondent appeared.

THE COURT ORDERS, GOOD CAUSE APPEARING:

4. a. ☐ Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of unmarried or unpartnered persons
 - (1) ☐ on the following date (specify): _____
 - (2) ☐ on a date to be determined on noticed motion of either party or on stipulation.
- b. ☐ Judgment of legal separation is entered.
- c. ☐ Judgment of nullity is entered. The parties are declared to be unmarried or unpartnered persons on the ground of (specify): _____

- d. ☐ This judgment will be entered nunc pro tunc as of (date): _____
- e. ☐ Judgment on reserved issues.
- f. ☐ The petitioner's ☐ respondent's _____ former name is restored (specify): _____
- g. ☐ Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
- h. ☐ This judgment contains provisions for child support or family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change by filing an updated form. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

| | |
|--|--------------|
| CASE NAME <small>(Last name, first name of parties):</small> | CASE NUMBER: |
|--|--------------|

4. i. ☐ A settlement agreement between the parties is attached.
- j. ☐ A written stipulation for judgment between the parties is attached.
- k. ☐ Child custody and visitation is ordered as set forth in the attached
- (1) ☐ settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Child Custody and Visitation Order Attachment* (form FL-341).
- (3) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
- (4) ☐ other (specify):
- l. ☐ Child support is ordered as set forth in the attached
- (1) ☐ settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Child Support Information and Order Attachment* (form FL-342).
- (3) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
- (4) ☐ other (specify):
- m. ☐ Spousal or partner support is ordered as set forth in the attached
- (1) ☐ settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Spousal, Partner or Family Support Order Attachment* (form FL-343).
- (3) ☐ other (specify):
- ☐ **NOTICE:** It is the goal of this state that each party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal or partner support.
- n. ☐ Property division is ordered as set forth in the attached
- (1) ☐ settlement agreement, stipulation for judgment, or other written agreement.
- (2) ☐ *Property Order Attachment to Judgment* (form FL-345).
- (3) ☐ other (specify):
- o. ☐ Parentage is established for children of this relationship born prior to the marriage or domestic partnership.
- p. ☐ Other (specify):

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions.

Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date:

5. Number of pages attached: _____

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: (Optional) _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 3</div> <div style="font-size: 24pt; font-weight: bold;">3/29/04 xyz</div> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | CASE NUMBER: _____ |
| PETITIONER: RESPONDENT: | |
| NOTICE OF ENTRY OF JUDGMENT | |

You are notified that the following judgment was entered on (date):

1. ☐ Dissolution
2. ☐ Dissolution—Status Only
3. ☐ Dissolution—Reserving Jurisdiction Over Termination of Marital Status or Domestic Partnership
4. ☐ Legal Separation
5. ☐ Nullity
6. ☐ Parent-Child Relationship
7. ☐ Judgment on Reserved Issues
8. ☐ Other (specify): _____

Date: _____ Clerk, by _____, Deputy

—NOTICE TO ATTORNEY OF RECORD OR PARTY WITHOUT ATTORNEY—

Under the provisions of Code of Civil Procedure section 1952, if no appeal is filed the court may order the exhibits destroyed or otherwise disposed of after 60 days from the expiration of the appeal time.

| |
|--|
| STATEMENT IN THIS BOX APPLIES ONLY TO JUDGMENT OF DISSOLUTION |
| Effective date of termination of marital or partnership status (specify): _____ |
| WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or partnership status, as shown in this box. |

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Entry of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at (place): _____, California, on (date): _____

Date: _____ Clerk, by _____, Deputy

| | |
|---|---|
| Name and address of petitioner or petitioner's attorney | Name and address of respondent or respondent's attorney |
|---|---|

| | | |
|--|--|--|
| | | |
|--|--|--|

| | |
|-----------------------|--------------|
| PETITIONER/PLAINTIFF: | CASE NUMBER: |
| RESPONDENT/DEFENDANT: | |

APPLICATION FOR ORDER AND SUPPORTING DECLARATION

—THIS IS NOT AN ORDER—

☐ Petitioner ☐ Respondent ☐ Claimant requests the following orders be made:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearing
- a. ☐ Child (name, age)
- b. ☐ Legal custody to ☐ (person who makes decisions about health, education, etc.)(name)
- c. ☐ Physical custody to ☐ (person with whom child lives)(name)
- d. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify)

☐ As requested in ☐ FL-311 ☐ FL-341(E)

2. ☐ CHILD VISITATION ☐ To be ordered pending the hearing
- As requested in:
- a. ☐ FL-311
- b. ☐ FL-312
- c. ☐ FL-341(C)
- d. ☐ FL-341(D)
- e. ☐ Attachment 2e
- f. ☐ Other (specify):
- g. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify)

3. ☐ CHILD SUPPORT (*An earnings assignment order may be issued.*)
- a. ☐ Child (name, age)
- b. Monthly amount
(if not by guideline)
\$
- c. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify)

4. ☐ SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- a. ☐ Amount requested (monthly): \$
- b. ☐ Terminate existing order
(1) filed on (date):
(2) ordering (specify)
- c. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify)

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$ b. ☐ Costs: \$

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.


NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110).

| | |
|-----------------------|--------------|
| PETITIONER/PLAINTIFF: | CASE NUMBER: |
| RESPONDENT/DEFENDANT: | |

7. ☐ PROPERTY CONTROL ☐ **To be ordered pending the hearing**
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☐ **I request** that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☐ OTHER RELIEF (*specify*):
10. ☐ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):
☐ contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

| | | |
|----------------------|---|--------------------------|
| |  | |
| (TYPE OR PRINT NAME) | | (SIGNATURE OF APPLICANT) |

| | |
|-------------------------|--------------|
| PETITIONER / PLAINTIFF: | CASE NUMBER: |
| RESPONDENT / DEFENDANT: | |

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

TO ☐ Findings and Order After Hearing ☐ Judgment ☐ other (specify):
☐ Stipulation and Order for Custody and/or Visitation of Children

1. ☐ **Custody.** Custody of the minor children of the parties is awarded as follows:

Child's name _____ Date of birth _____ Legal custody to _____ Physical custody to _____
 (Person who makes decisions about health, education, etc.) (Person with whom the child lives)

☐ Joint legal custody

☐ Joint physical custody

2. ☐ **Visitation**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
 b. ☐ See the attached _____-page document dated: _____.
 c. ☐ The parties will go to mediation at (specify location):
 d. ☐ No visitation
 e. ☐ Visitation for the ☐ petitioner ☐ respondent will be as follows:

- (i) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend (date): _____

- (b) ☐ Petitioner will have fifth weekends in ☐ odd ☐ even months.

- (ii) ☐ **Alternate weekends starting (date):** _____

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (iii) ☐ **Weekdays starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (iv) ☐ **Other (specify days and times as well as any additional restrictions):**

☐ See Attachment 2e(iv).

| | |
|-------------|--------------|
| PETITIONER: | CASE NUMBER: |
| RESPONDENT: | |

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

3. ☐ **Supervised visitation.**

I request that (name): _____ have supervised visitation with the minor children according to the schedule marked above and that the visits be supervised by (name): _____, who is a

☐ professional ☐ nonprofessional supervisor. The supervisor's phone number is (specify): _____

I request that the costs of supervision be paid as follows: petitioner: _____%, respondent: _____%

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be detrimental to the best interests of your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. ☐ **Transportation for visitation and place of exchange**

- ☐ Transportation **to** the visits will be provided by (name): _____
- ☐ Transportation **from** the visits will be provided by (name): _____
- ☐ Drop-off/pick-up of the children will be at (address): _____
- ☐ Pick-up of the children will be at (address): _____
- ☐ The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- ☐ Other (specify): _____

5. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other (name): _____

must have written permission from the other parent or a court order to take the children outside of

- ☐ the state of California.
- ☐ the following counties (specify): _____
- ☐ other places (specify): _____

6. ☐ **Child abduction prevention orders.**

There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7. ☐ **Children's holiday schedule.**

I request the holiday and visitation schedule set out on attached ☐ form FL-341(C) ☐ other (specify): _____

8. ☐ **Additional custody provisions.**

I request the additional orders regarding custody set out on attached ☐ form FL-341(D) ☐ other (specify): _____

9. ☐ **Joint legal custody provisions.**

I am requesting joint legal custody and want the following additional orders set out on the attached

☐ form FL-341(E) ☐ other (specify): _____

10. ☐ **Other.** I request the following additional orders (specify): _____

| | |
|-------------------------|--------------|
| PETITIONER / PLAINTIFF: | CASE NUMBER: |
| RESPONDENT / DEFENDANT: | |

CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

TO ☐ Findings and Order After Hearing ☐ Judgment ☐ other (specify):
☐ Stipulation and Order for Custody and/or Visitation of Children

1. ☐ **Custody.** Custody of the minor children of the parties is awarded as follows:

Child's name _____ Date of birth _____ Legal custody to _____ Physical custody to _____
 (Person who makes decisions about health, education, etc.) (Person with whom the child lives)

☐ Joint legal custody

☐ Joint physical custody

2. ☐ **Visitation**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
 b. ☐ See the attached _____-page document dated: _____
 c. ☐ The parties will go to mediation at (specify location):
 d. ☐ No visitation
 e. ☐ Visitation for the ☐ petitioner ☐ respondent will be as follows:

- (i) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend (date):

- (b) ☐ Petitioner will have fifth weekends in ☐ odd ☐ even months.

- (ii) ☐ **Alternate weekends starting (date):** _____

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (iii) ☐ **Weekdays starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time)

- (iv) ☐ **Other (specify days and times as well as any additional restrictions):**

☐ See Attachment 2e(iv).

| | |
|-------------------------|--------------|
| PETITIONER / PLAINTIFF: | CASE NUMBER: |
| RESPONDENT / DEFENDANT: | |

3. ☐ **Supervised visitation.** Until ☐ further order of the court ☐ other (specify):
The ☐ petitioner ☐ respondent will have supervised visitation with the minor children according to the schedule set forth on page 1. (You must attach form FL-341(A).)

4. ☐ **Transportation for visitation**

- ☐ Transportation to the visits will be provided by the ☐ petitioner ☐ respondent ☐ other (specify):
- ☐ Transportation from the visits will be provided by the ☐ petitioner ☐ respondent ☐ other (specify):
- ☐ Drop-off of the children will be at (address):
- ☐ Pick-up of the children will be at (address):
- ☐ The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- ☐ Other (specify):

5. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other (name):
must have written permission from the other parent or a court order to take the children outside of

- ☐ the state of California.
- ☐ the following counties (specify):
- ☐ other places (specify):

6. ☐ **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. Form FL-341(B) is attached and must be obeyed.

7. ☐ **Holiday schedule.** The children will spend holiday time as listed in the attached
☐ form FL-341(C) ☐ other (specify):

8. ☐ **Additional custody provisions.** The parents will follow the additional custody provisions as listed in the attached
☐ form FL-341(D) ☐ other (specify):

9. ☐ **Joint legal custody.** The parents will share joint legal custody as listed in the attached
☐ form FL-341(E) ☐ other (specify):

10. ☐ **Other (specify):**

11. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).

12. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.

13. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
☐ the United States ☐ other (specify):

14. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

| | |
|-------------------------|--------------|
| PETITIONER / PLAINTIFF: | CASE NUMBER: |
| RESPONDENT / DEFENDANT: | |

CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

To ☐ Child Custody and Visitation Order Attachment (FL-341(A)) ☐ other (specify):

1. The court finds there is a risk that (name of parent): _____ might take the child without permission because that parent (check all that apply):

- a. ☐ has violated—or threatened to violate—a custody or visitation order in the past.
- b. ☐ does not have strong ties to California.
- c. ☐ has done things that make it easy for him or her to take the children away without any permission, such as (check all that apply):
 - ☐ quit a job. ☐ sold his or her home.
 - ☐ closed a bank account. ☐ ended a lease.
 - ☐ sold or gotten rid of assets. ☐ hidden or destroyed documents.
 - ☐ applied for a passport, birth certificate, or school or medical records.
 - ☐ Other (specify):
- d. ☐ has a history of (check all that apply):
 - ☐ domestic violence.
 - ☐ child abuse.
 - ☐ not cooperating with the other parent in parenting.
- e. ☐ has a criminal record.
- f. ☐ has family or emotional ties to another country, state, or foreign country.

Note: If item "f" is checked, at least one other factor must be checked, too.

THE COURT MAKES THE FOLLOWING ORDERS to prevent the parent in item 1 from taking the children without permission. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

2. ☐ **Supervised Visitation.** Terms of Visitation are (check one):
☐ as attached in form FL-341(A) ☐ as follows:

3. ☐ The parent in item 1 must post a bond for \$ _____ The terms of the bond are (specify):

4. ☐ The parent in item 1 must not move from the following locations with the children without permission in writing from the other parent or a court order:

- ☐ current residence ☐ current school district (specify):
- ☐ this county ☐ other (specify):

5. ☐ The parent in item 1 must not travel with the children outside of (check all that apply):

- ☐ this county ☐ the United States
- ☐ California ☐ other (specify):

6. ☐ The parent in item 1 must register this order in the state of (specify): _____ before the children can travel to that state for visits.

7. ☐ The parent in item 1 must not apply for a passport or any other document, such as a visa or birth certificate, that can be used for travel, and must turn in the following documents (specify):

| | |
|----------------------------------|--------------|
| PETITIONER / PLAINTIFF: _____ | CASE NUMBER: |
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8. ☐ **The parent in item 1 must give the other parent the following *before* traveling** with the children:
- ☐ The children's travel itinerary
 - ☐ Copies of any round-trip airline tickets
 - ☐ Addresses and telephone numbers where the children can be reached at all times
 - ☐ An open airline ticket for the other parent in case the children are not returned
 - ☐ Other (*specify*):
9. ☐ **The parent in item 1 must notify the embassy or consulate** of (*specify country*): _____ of this order and provide the court with proof of that notification within (*specify number*): _____ days.
10. ☐ **The parent in item 1 must get a custody and visitation order** equivalent to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.
11. ☐ **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*):
12. ☐ **Other (*specify*):**

NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Fam. Code, part 3, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in item 12 above.

Date:

JUDICIAL OFFICER

| | |
|--|--------------------|
| PETITIONER: _____ RESPONDENT: _____ | CASE NUMBER: _____ |
|--|--------------------|

CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☐ **Petition or Application for Order** ☐ **Findings and Order After Hearing or Judgment**
☐ **Stipulation and Order for Custody and/or Visitation of Children**

1. **Holiday parenting.** The following table lists specific holiday parenting schedules. Write "Pet" or "Resp" to specify parents' years—Odd or Even or Both ("every year"), and specify starting and ending days and times.

| Holiday | Time (from when to when) (Unless otherwise noted, all single-day holidays start at ____ a.m. and end at ____ p.m.) | Every Year <i>Petitioner/ Respondent</i> | Even Years <i>Petitioner/ Respondent</i> | Odd Years <i>Petitioner/ Respondent</i> |
|---|---|---|---|--|
| January 1 (New Year's Day) | | | | |
| Martin Luther King's Birthday (weekend) | | | | |
| Lincoln's Birthday | | | | |
| President's Day (weekend) | | | | |
| Spring Break, first half | | | | |
| Spring Break, second half | | | | |
| Mother's Day | | | | |
| Memorial Day (weekend) | | | | |
| Father's Day | | | | |
| July 4th | | | | |
| Labor Day (weekend) | | | | |
| Columbus Day (weekend) | | | | |
| Halloween | | | | |
| Veteran's Day (weekend) | | | | |
| Thanksgiving Day | | | | |
| Thanksgiving Weekend | | | | |
| Winter Break, first half | | | | |
| Winter Break, second half | | | | |
| New Year's Eve | | | | |
| Child's birthday | | | | |
| Mother's birthday | | | | |
| Father's birthday | | | | |
| Breaks for year-round schools | | | | |
| Summer Break, first half | | | | |
| Summer Break, second half | | | | |
| Other (specify): | | | | |
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☐ Three-day weekends not specified above will be spent with the parent who would normally have that weekend.
☐ Other (specify): _____

2. Vacations.

The ☐ petitioner ☐ respondent may take a vacation of up to ____ days ____ weeks with the children the following number of times per year: ____ . They must notify the other parent in writing of their vacation plans a minimum of ____ days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes. ☐ The other parent has ____ days to respond if there is a problem with the schedule.

☐ This vacation may be outside California.

☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.

☐ Other (specify): _____

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| PETITIONER: | CASE NUMBER: |
| RESPONDENT: | |

ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

To ☐ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. ☐ **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within (*specify number*): _____ days of any change in his or her
 - a. address for ☐ residence ☐ mailing ☐ work.
 - b. telephone/message number at ☐ home ☐ work ☐ the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no physical address is needed.
2. ☐ **Notification of proposed move of child.** Each parent must notify the other parent (*specify number*): _____ days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
3. ☐ **Child care**
 - a. ☐ The children must not be left alone without age-appropriate supervision.
 - b. ☐ The parents must let each other know the name, address, and phone number of the children's regular child care providers.
4. ☐ **Right of first option of child care.** In the event either parent requires child care for (*specify number*): _____ hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
5. ☐ **Canceled parenting time**
 - a. ☐ If the noncustodial parent fails to arrive at the appointed time, and fails to notify the custodial parent that he or she will be late, then the custodial parent need only wait for (*specify number*): _____ minutes before considering the visitation canceled.
 - b. ☐ In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
 - c. ☐ The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent. ☐ A doctor's excuse is required.
6. ☐ **Phone contact between parents and children**
 - a. ☐ The children may have telephone access to the parents ☐ and the parents may have telephone access to the children at reasonable times, for reasonable durations.
 - b. ☐ The scheduled phone contact between parents and the children is (*specify*): _____
 - c. ☐ Neither parent nor any other third party may listen to or monitor the calls.
7. ☐ **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent, the other parent's past or present relationships, family, or friends within hearing distance of the children.
8. ☐ **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
9. ☐ **Alcohol or substance abuse.** The ☐ petitioner ☐ respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within _____ hours prior to or during periods of time with the children ☐ and may not permit any third party to do so in the presence of the children.
10. ☐ **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.

| | |
|--------------------------------|--------------|
| PETITIONER: RESPONDENT: | CASE NUMBER: |
|--------------------------------|--------------|

11. ☐ **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12. ☐ **Third party contact**
- a. ☐ The children will have no contact with (*specify name*):
- b. ☐ The children must not be left alone in the presence of (*specify name*):
13. ☐ **Children's clothing and belongs**
- a. ☐ Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b. ☐ The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14. ☐ **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15. ☐ **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each will retain a copy. If the parents want this to be a court order, it must be filed with the court in the form of a court document.
16. ☐ **Other** (*specify*):

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| PETITIONER / PLAINTIFF: | CASE NUMBER: |
| RESPONDENT / DEFENDANT: | |

JOINT LEGAL CUSTODY ATTACHMENT

To ☐ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
 - a. ☐ Enrollment in or leaving a particular private or public school or daycare center
 - b. ☐ Participation in particular religious activities or institutions
 - c. ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - d. ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. ☐ Participation in extracurricular activities
 - f. ☐ Out-of-country or out-of-state travel
 - g. ☐ Other (specify):

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:

- a. ☐ He or she may be subject to civil or criminal penalties.
- b. ☐ The court may change the legal and physical custody of the minor children.
- c. ☐ Other consequences (specify):

4. ☐ **Special decision-making designation**

- a. The ☐ petitioner ☐ respondent will be responsible for making decisions regarding the following issues (specify):
- b. ☐ Each parent will have access to the children's school, medical, and dental records and the right to consult with those professionals who are providing services to the children.

5. ☐ **Health-care notification**

- a. ☐ Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): _____ days of the commencement of the first such treatment or examination.
- b. ☐ Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
- c. ☐ Both parents are required to administer any prescribed medications for the children.

6. ☐ **School notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.

7. ☐ **Name.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.

8. ☐ Other (specify):

| | |
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| PETITIONER/ PLAINTIFF: | CASE NUMBER: |
| RESPONDENT/ DEFENDANT: | |
| OTHER PARENT: | |

SPOUSAL, PARTNER, OR FAMILY SUPPORT ORDER ATTACHMENT

To ☐ Findings and Order After Hearing ☐ Judgment ☐ other (*specify*):

THE COURT FINDS

- A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out below.
- Net income.** The parties' monthly income and deductions are as follows (*complete at least one*):

| | Total gross monthly <u>income</u> | Total monthly <u>deductions</u> | Total hardship <u>deductions</u> | Net monthly disposable <u>income</u> |
|---|---|---------------------------------------|--|--|
| a. Petitioner: <input type="checkbox"/> receiving TANF/CalWORKS | | | | |
| b. Respondent: <input type="checkbox"/> receiving TANF/CalWORKS | | | | |

3. Other factors regarding permanent spousal or partner support

- ☐ The parties were married for (*specify numbers*): _____ years _____ months.
- ☒ The parties were registered as domestic partners on (*date*): _____
- ☐ The Family Code section 4320 factors were considered, as listed in Attachment 3c.
- ☐ The marital standard of living was (*describe*):
☐ See Attachment 3d.

e. ☐ Other (*specify*):

THE COURT ORDERS

- a. The ☐ petitioner ☐ respondent must pay to the ☐ petitioner ☐ respondent as ☐ spousal support ☐ family support ☒ partner support \$ _____ per month, beginning (*date*): _____, payable through (*specify end date*): _____

☐ payable on the (*specify*): _____ day of each month
☐ payable other (*specify*): _____

- ☒ Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death, remarriage, or new domestic partnership of the support payee.
- ☒ An earnings assignment for the foregoing support will issue. **Note:** The payor of spousal, family or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings and for any support not paid by the assignment.
- ☐ Service of the earnings assignment is stayed provided the payor is not more than (*specify number*): _____ days late in the payment of spousal, family or partner support.

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| PETITIONER/ PLAINTIFF: RESPONDENT/ DEFENDANT: OTHER PARENT: | CASE NUMBER: |
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5. ☐ The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
6. ☐ **Notice:** It is the goal of this State that each party must make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support.
7. ☐ This order is for family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form. The *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
8. ☐ The issue of spousal or partner support for the ☐ petitioner ☐ respondent is reserved for a later determination.
9. ☐ The court terminates jurisdiction over the issue of spousal or partner support for the ☐ petitioner ☐ respondent.
10. ☐ Other (*specify*):

NOTICE: Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

THIS IS A COURT ORDER

| | |
|--------------|--------------|
| PETITIONER : | CASE NUMBER: |
| RESPONDENT: | |

**PROPERTY ORDER ATTACHMENT
TO FINDINGS AND ORDER AFTER HEARING**

THE COURT ORDERS

1. ☐ **Property restraining orders**

- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- b. The ☐ petitioner ☐ respondent must notify the other party of any proposed extraordinary expenses at least five business days before incurring such expenses, and make an accounting of such to the court.
- c. The ☐ petitioner ☐ respondent is restrained from cashing, borrowing against, cancelling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
- d. The ☐ petitioner ☐ respondent must not incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. ☐ **Possession of property**

- a. The exclusive use, possession, and control of the following property that the parties own or are buying is given as specified:
Property Given to

- b. ☐ As attached

3. ☐ **Payment of debts**

- a. Payments on the following debts that come due while this order is in effect must be paid as follows:

| Total debt | Amount of payments | Pay to | Paid by |
|------------|--------------------|--------|---------|
| | | | |

- b. ☐ As attached

4. ☐ These are temporary orders only. The court will make final orders at the time of judgment.

5. ☐ Other (*specify*):

| | |
|-------------|--------------|
| PETITIONER: | CASE NUMBER: |
| RESPONDENT: | |

PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets

- a. ☐ There are no community property assets.
- b. ☐ The court finds that the net value of the community estate is less than \$5,000 and that the ☐ petitioner ☐ respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the ☐ petitioner ☐ respondent.
- c. ☐ Petitioner will receive the following assets:
(Attach additional page if necessary)
- d. ☐ Respondent will receive the following assets:
(Attach additional page if necessary)

- e. ☐ Petitioner ☐ Respondent will be responsible for preparing and filing a Qualified Domestic Relations Order (QDRO) to divide the following plan or retirement account(s):

The fee for preparation of the QDRO shall be shared as follows:

- f. ☐ Other orders:

- g. ☐ Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to carry out this division.

- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

2. Division of community property debts

- a. ☐ There are no community debts.
- b. ☐ All community debts have been paid by: _____ who is the ☐ petitioner ☐ respondent.
☐ Petitioner ☐ Respondent must reimburse the other party \$ _____
The payment plan is as follows:

- c. ☐ Petitioner will be responsible for the following debts:
(Attach additional page if necessary)
- d. ☐ Respondent will be responsible for the following debts:
(Attach additional page if necessary)

| | |
|-------------|--------------|
| PETITIONER: | CASE NUMBER: |
| RESPONDENT: | |

e. ☐ Other orders:

f. Each party will be solely responsible for paying the debts assigned to him or her and will hold the other harmless from those debts. The parties understand that the creditors are not bound by this judgment. If a creditor seeks payment from the party who is not listed as responsible for the debt, that party can file a motion to seek reimbursement from the defaulting party.

9. The court reserves jurisdiction to divide any community debts not listed here.

3. ☐ **Equalization of Division of Property and Debt Orders**

To equalize the division of the community property assets and debts, the ☐ Petitioner ☐ Respondent, must pay to the other the sum of \$ _____ payable as follows (*specify*):

4. **Separate property**

a. ☐ The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the petitioner:

b. ☐ The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the respondent:

5. ☐ The settlement agreement between the parties dated _____ is attached and made a part of this judgment.

6. ☐ **Sale of Property Orders**

The following property will be offered for sale and sold for the fair market value as soon as a willing buyer can be found and the net proceeds from the sale will be: ☐ divided equally ☐ other (*specify*):

7. ☐ Other orders:

INSTRUCTIONS FOR EARNINGS ASSIGNMENT ORDER

1. DEFINITIONS OF IMPORTANT WORDS IN THE EARNINGS ASSIGNMENT ORDER

a. Earnings:

- (1) Wages, salary, bonuses, vacation pay, retirement pay, and commissions paid by an employer;
- (2) Payments for services of independent contractors;
- (3) Dividends, interest, rents, royalties, and residuals;
- (4) Patent rights and mineral or other natural resource rights;
- (5) Any payments due as a result of written or oral contracts for services or sales, regardless of title;
- (6) Payments due for workers' compensation temporary benefits, or payments from a disability or health insurance policy or program; and
- (7) Any other payments or credits due regardless of source.

b. Earnings assignment order: a court order issued in every court case in which one person is ordered to pay for the support of another person. This order has priority over any other orders such as garnishments or earnings withholding orders.

Earnings should not be withheld for any other order until the amounts necessary to satisfy this order have been withheld in full. However, an *Order/Notice to Withhold Income for Child Support* for child support or family support has priority over this order for spousal or partner support.

- c. **Obligor:** any person ordered by a court to pay support. The obligor is named before item 1 in the order.
- d. **Obligee:** the person or governmental agency to whom the support is to be paid.
- e. **Payor:** the person or entity, including an employer, that pays earnings to an obligor.

2. INFORMATION FOR ALL PAYORS. Withhold money from the earnings payable to the obligor as soon as possible but no later than 10 days after you receive the *Earnings Assignment Order for Spousal or Partner Support*. Send the withheld money to the payee(s) named in items 2 and 3 of the order within 10 days of the pay date. You may deduct \$1 from the obligor's earnings for each payment you make.

When sending the withheld earnings to the payee, state the date on which the earnings were withheld. You may combine amounts withheld for two or more obligors in a single payment to each payee, and identify what portion of that payment is for each obligor.

You will be liable for any amount you fail to withhold and can be cited for contempt of court.

3. SPECIAL INSTRUCTIONS FOR PAYORS WHO ARE EMPLOYERS

- a. State and federal laws limit the amount you can withhold and pay as directed by this order. This limitation applies only to earnings defined above in item 1a(1) and are usually half the obligor's disposable earnings.

Disposable earnings are different from gross pay or take-home pay. Disposable earnings are earnings left after subtracting the money that state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) social

security, (3) state income tax, (4) state disability insurance, and (5) payments to public employees' retirement systems.

After the obligor's disposable earnings are known, withhold the amount required by the order, **but never withhold more than 50 percent of the disposable earnings unless the court order specifies a higher percentage.** Federal law prohibits withholding more than 65 percent of disposable earnings of an employee in any case.

If the obligor has more than one assignment for support, add together the amounts of support due for all the assignments. If 50 percent of the obligor's net disposable earnings will not pay in full all of the assignments for support, prorate it first among all of the current support assignments in the same proportion that each assignment bears to the total current support owed. Apply any remainder to the assignments for arrearage support in the same proportion that each assignment bears to the total arrearage owed. If you have any questions, please contact the office or person who sent this form to you. This office or person's name appears in the upper left-hand corner of the order.

- b. If the employee's pay period differs from the period specified in the order, prorate the amount ordered to be withheld so part of it is withheld from each of the obligor's paychecks.
- c. If the obligor stops working for you, notify the office that sent you this form of that, no later than the date of the next payment, by first-class mail. Give the obligor's last known address and, if known, the name and address of any new employer.
- d. California law prohibits you from firing, refusing to hire, or taking any disciplinary action against any employee ordered to pay support through an earnings assignment. Such action can lead to a \$500 civil penalty per employee.

4. INFORMATION FOR ALL OBLIGORS. You should have received a *Request for Hearing Regarding Earnings Assignment* (form FL-450) with this *Earnings Assignment Order for Spousal or Partner Support*. If not, you may get one from either the court clerk or the family law facilitator. If you want the court to stop or modify your earnings assignment, you must file (by hand delivery or mail) an original copy of the form with the court clerk within 10 days of the date you received this order. Keep a copy of the form for your records.

If you think your support order is wrong, you can ask for a modification of the order; or, in some cases, you can have the order set aside and have a new order issued. You can talk to an attorney or get information from the family law facilitator about this.

5. SPECIAL INFORMATION FOR THE OBLIGOR WHO IS AN EMPLOYEE. State law requires you to notify the payees named in items 2 and 3 of the order if you change your employment. You must provide the name and address of your new employer.

NOTICE: Complete and file this form with the court clerk to request a hearing **ONLY** if you object to the *Order/Notice to Withhold Income for Child Support* (form FL-195/OMB0970-0154) or *Earnings Assignment Order for Spousal or Partner Support* (form FL-435). This form may not be used to modify your current child support amount. (See *Information Sheet on Changing a Child Support Order* (form FL-192, page 2).) Page 3 of this form is instructional only and does not need to be delivered to the court.

- a. Date: Time: Dept.: Div.: Room:

2. ☐ I request that service of the *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) or *Order/Notice to Withhold Income for Child Support* (form FL-195—OMB09700154) be quashed (set aside) because

- (2) I have paid court-ordered support fully and on time for the last 12 months without either an earnings assignment or another mandatory collection process.
- (3) I do not owe any arrearage (back support).
- (4) Service of the earnings assignment would cause extraordinary hardship for me as follows (*state reasons; you must prove these reasons at any hearing on this application by clear and convincing evidence*):

- Page 1 of 3

| | |
|---|--------------|
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT: | CASE NUMBER: |
|---|--------------|

3. ☐ I request that the earnings assignment be modified because
- a. ☐ the total arrearage claimed as owing is incorrect. *(Check one or more of the following reasons.)*
- (1) ☐ I did not receive credit for all of the payments I have made. *(Check (a), (b), or both.)*
- (a) ☐ I have attached my statement of the payment history, which includes a monthly breakdown of amounts ordered and amounts paid.
- (b) ☐ I made the following payments that were not credited *(for each payment, specify the date, the amount, and the name of the person or agency paid):*
- (2) ☐ Child support terminated *(specify name of child, child's date of birth, date of termination, and reason support terminated):*
- (3) ☐ Other *(specify):*
- b. ☐ the monthly payment specified in the earnings assignment is more than half of my total net income each month from all sources.
- c. ☐ the monthly arrearage payment stated in the earnings assignment creates an undue hardship because *(describe the hardship and state the amount you are able to pay on your arrearage):*

NOTE: If you want to change the amount of money being deducted for arrearage because it creates a hardship, please attach a completed *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF PERSON REQUESTING HEARING)



 (SIGNATURE OF PERSON REQUESTING HEARING)

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action and that a true copy of the *Request for Hearing Regarding Earnings Assignment* (form FL-450) was mailed, with postage fully prepaid, in a sealed envelope addressed as shown below, and that the request was mailed at *(place)* on *(date)*:

Date:

Clerk, by _____, Deputy

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INFORMATION SHEET AND INSTRUCTIONS FOR REQUEST FOR HEARING REGARDING EARNINGS ASSIGNMENT

(Do not deliver this information sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Earnings Assignment* (form FL-450) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form. You must file the completed *Request for Hearing* form and its attachments with the court clerk **within 10 days** after the date your employer gave you a copy of *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) or an *Order/Notice to Withhold Income for Child Support* (form FL-195—OMB09700154). The address of the court clerk is the same as the one shown for the superior court on the earnings assignment order. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee and waiver of the filing fee, contact the court clerk or the family law facilitator in your county.

(TYPE OR PRINT IN INK)

Front page, first box, top of form, left side: Print your name, address, and telephone number in this box if it is not already there.

- Item 1. a–b.** You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
- Item 2.** Check this box if you want the court to stop the local child support agency or the other parent from collecting any support from your earnings. If you check this box, you must check the box for either a, b, or c beneath it.
- a.** Check this box if you are not the person required to pay support in the earnings assignment.
 - b.** Check this box if you believe that there is "good cause" to recall the earnings assignment. **Note:** The court must find that **all** of the conditions listed in item 2b exist in order for good cause to apply.
 - c.** Check this box if you and the other parent have a written agreement that allows you to pay the support another way. **You must attach a copy of the agreement**, which must be signed by both the other parent and a representative of the local child support agency if payments are made to a county office.
- Item 3.** Check this box if you want to change the earnings assignment. If you check this box, you must check the box for either a, b, or c beneath it.
- a.** Check this box if the total arrearages listed in item 9 on the earnings assignment order are wrong. If you check this box, you must check one or more of (1), (2), and (3). You must attach the original of your statement of arrearages. Keep one copy for yourself.
 - (1)** Check this box if you believe the amount of arrearage listed on the earnings assignment order does not give you credit for all the payments you have made. If you check this box, you must check one or both of the boxes beneath it.
 - (a)** Check this box if you are attaching your own statement of arrearages. This statement must include a monthly listing of what you were ordered to pay and what you actually paid.
 - (b)** Check this box if you wish to list any payments that you believe were not included in the arrearage amount. For each payment you must list the date you paid it, the amount paid, and the person or agency (such as the local child support agency) to whom you made the payment. Bring proof of any payment in dispute to the hearing.
 - (2)** Check this box if the child support for any of the children in the case has terminated (ended). If you check this box, you must list the following information for each child:
 - The name and birth date of each child.
 - The date the child support order terminated.
 - The reason child support terminated.
 - (3)** Check this box if there is another reason you believe the arrearages total is incorrect. You must explain the reasons in detail.
 - b.** Check this box if the total monthly payment shown in item 1 of the earnings assignment order is more than half of your monthly net income.
 - c.** Check this box if the total monthly payment shown in item 1 of the earnings assignment order causes you a serious hardship. You must write the reasons for the hardship in this space.

You must date this *Request for Hearing* form, print your name, and sign the form under penalty of perjury. You must also complete the certificate of mailing at the bottom of page 2 of the form by printing the name and address of the other parties in brackets and providing a stamped envelope addressed to each of the parties. When you sign this *Request for Hearing* form, you are stating that the information you have provided is true and correct. After you file the request, the court clerk will notify you by mail of the date, time, and location of the hearing.

You must file your request within 10 days of receiving the *Earnings Assignment Order for Spousal or Partner Support* or the *Order/Notice to Withhold Income for Child Support* from your employer. You may file your request in person at the clerk's office or mail it to the clerk. In either event, it must be received by the clerk within the 10-day period.

If you need additional assistance with this form, contact an attorney or the family law facilitator in your county. Your family law facilitator can help you for free with any questions you have about the above information. For more information on finding a lawyer or family law facilitator, see the Self-Help Web site at www.courtinfo.ca.gov/selfhelp/.

NOTICE: Use form FL-450 to request a hearing only if you object to the *Order/Notice to Withhold Income for Child Support* (form FL-195—OMB09700154) or *Earnings Assignment Order for Spousal or Partner Support* (form FL-435). This form will NOT modify your current support amount. (See *Information Sheet on Changing a Child Support Order* (form FL-192, page 2).)